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Boston Telecommunications Group, Inc.
and Roderick Marshall

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOSTON TELECOMMUNICATIONS
GROUP, INC. and
RODERICK MARSHALL,

Plaintiffs,

v.

ROBERT WOOD,

Defendant.

CASE NO. C02-5971 JSW

**STIPULATION AND ORDER
SUPPLEMENTING THE FEBRUARY
9, 2004 STIPULATION AND
PROTECTIVE ORDER FOR
TREATMENT OF CONFIDENTIAL
AND/OR PROPRIETARY
INFORMATION PRODUCED IN
DISCOVERY**

THE PARTIES, BY THEIR UNDERSIGNED COUNSEL, HEREBY AGREE AS
FOLLOWS:

1 1) This stipulation and order (the “Supplemental Order”) supplements the
 2 Stipulation and Protective Order for Treatment of Confidential and/or Proprietary Information
 3 Produced in Discovery, which was so Ordered on February 9, 2004 (the “February 2004
 4 Protective Order”; together with this Supplemental Order, the “Protective Order”).

5 2) The February 2004 Protective Order, including without limitation its restrictions
 6 on disclosure and use of Confidential Material, shall also apply to all documents, information,
 7 articles, testimony or things (“discovery material”) produced in this action and designated as
 8 “Confidential” or “Confidential Material” by any non party. Non-parties who produce and
 9 designate as Confidential or Confidential Material any such discovery material in connection
 10 with this litigation are entitled to all of the remedies and relief authorized by the February 2004
 11 Protective Order and Supplemental Order in any Court of competent jurisdiction, including
 12 without limitation in this Court and in the federal district court that issues the subpoena to that
 13 non party. Nothing in this Supplemental Order shall be construed as prohibiting a non party
 14 from seeking additional protections.

15 3) In the event that a party is required, by a valid discovery request, to produce a
 16 non party’s Confidential information or Confidential Material the party shall:

- 17 a. promptly notify in writing the requesting party and the non party that some or all
 18 of the information requested is subject to the Protective Order; and
- 19 b. promptly provide the (i) requesting party with a copy of this Supplemental Order
 20 and the February 2004 Protective Order, and (ii) the non party with the relevant
 21 discovery request(s) and a reasonably specific description of the information
 22 requested.

23 If the non party fails to object or seek a protective order from any Court of competent
 24 jurisdiction (including without limitation the court from which the subpoena of such non party
 25 was issued) within 21 days of receiving the notice and accompanying information, the receiving
 26 party may produce the non party’s Confidential information or Confidential Material pursuant to
 27 the discovery request. If the non party timely seeks a protective order, the receiving party shall
 28 not produce any information in its possession or control that is subject to the Protective Order

1 before a determination by the Court in which the non-party seeks a protective order or other
2 relief.

3 4) In the event any party (or non-party) wishes to file or use in Court any material
4 designated by a non party as "Confidential" or "Confidential Material", it shall first confer with
5 the non party that produced such material, and if requested by that non party, it shall comply
6 with the requirements of Rule 79.5(d) of the Local Civil Rules of the Northern District of
7 California by seeking to have such material filed under seal.

8 5) The invocation by a non-party who produces discovery material in this action of
9 the protections, rights, remedies and relief set forth in the Protective Order shall not constitute a
10 submission by such non party to the jurisdiction of the Courts of the Northern District of
11 California for any purpose. A party seeking to enforce any rights or remedies set forth in the
12 Protective Order against a non party that produced discovery material pursuant to a subpoena
13 shall do so only in the jurisdiction from which the subpoena of that non-party issued, and the
14 parties hereby submit to such jurisdiction for all purposes related to the Protective Order that
15 involve the non-party.

16 **IT IS SO STIPULATED.**

17 /s/
18 Steven M. Cowley (Pro Hac Vice)
19 EDWARDS ANGELL PALMER & DODGE LLP


/s/
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Attorneys for Defendant

20 David C. Phillips
21 PHILLIPS ERLEWINE & GIVEN LLP

22 Attorneys for Plaintiffs
23 Boston Telecommunications Group, Inc.
24 and Roderick Marshall

25 **IT IS SO ORDERED:**

26 January 20, 2011

27 
Jeffrey S. White
United States District Court Judge